



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P(MD)No.13331 of 2021

and

W.M.P(MD)No.10313 of 2021

Ramasamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

3.The Block Development Officer,
(Village Panchayat),
Kallal Panchayat Union,
Sivagangai District.

4.The President,
Devapattu Village Panchayat,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the notice for eviction dated 24.06.2021 on the file of the fourth respondent and consequential eviction notice made in Na.Ka.P3/1531/2017, dated 05.07.2021 on the file of the third respondent and quash the same.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.B.Saravanan
Government Advocate



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records relating to the notice of eviction, dated 24.06.2021, on the file of the fourth respondent and consequential eviction notice, dated 05.07.2021, on the file of the third respondent and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the respondents 3 and 4 are not the authorities to issue notices under the Tamil Land Encroachment Act, 1905. That apart, the learned counsel also submitted that in the impugned notices, the respondents 3 and 4 have not mentioned the survey number and the identity of the land in question.

3.On a perusal of the notice, dated 24.06.2021 and the consequential notice, dated 05.07.2021, it could be seen that the authorities have not identified the land in dispute in a proper manner. In fact, the authorities have not even mentioned the survey number in the impugned notices.

4.Mr.B.Saravanan, learned Government Advocate taking notice for the respondents fairly submitted that the impugned notices, dated 24.06.2021 and 05.07.2021, may be set aside giving liberty to the second respondent to issue fresh notice under the Tamil Nadu Land Encroachment Act, 1905.

5.Having regard to the submissions made by the learned counsel appearing on either side, since the respondents 3 and 4 have not identified the land in dispute in a proper manner and that they are not the authorities to issue notices under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, the impugned notices, dated 24.06.2021 and 05.07.2021 are liable to be set aside. Accordingly, the same are set aside. We give liberty to the second respondent to issue fresh notice to the petitioner under the Tamil Nadu Land Encroachment Act, 1905, in accordance with law.

6.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

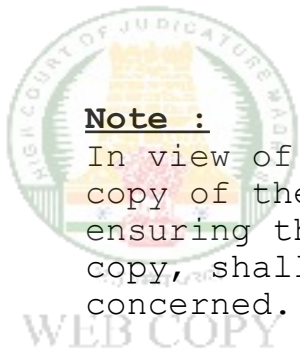
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

<https://hcservices.ecourts.gov.in/hcservices/>



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
- 3.The Block Development Officer,
(Village Panchayat),
Kallal Panchayat Union,
Sivagangai District.

+1 CC to M/s.GP (SR-25388[F] dated 05/08/2021)

W.P (MD) No.13331 of 2021
04.08.2021

MGJ(11.08.2021) 3P 5C